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C.R.P.No.2901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2901 of 2022

D.V.Karunaakar

... Petitioner/Landlord

Versus

Mukesh Recreation Club,
Represented by its Secretaruy,
N.Yazhini,
New No.84, GN Chetty Street,
T.Nagar, Chennai - 600 017.

... Respondent/Tenant

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside order dated 17.08.2022, passed in RLTOP Sr.No.4939 of 2022 by learned X Judge Small Causes, Rent Court, Chennai and consequently direct the Court below to dispose of the said RLTOP Sr.No.4939 of 2022 on merits.

For Petitioner : Mr.Sharath Chandran

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed against the docket order passed by the Rent Court (X Small Causes Judge, Rent Court, Chennai) dated 17.08.2022.



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2. By the docket order, the learned Rent Court returned the petition filed by the Revision Petitioner seeking repossession of the demised premises of the petitioner under Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. According to the Rent Court, the lease agreement between the parties dated 30.01.2019 is still in operation, but the same was not registered as required under Section 43 of TNRRRLT Act, 2017. Hence, the petition filed by the Landlord/Revision Petitioner is not maintainable.

3. This Court in a case reported in **C.R.P.(NPD) No.3317 of 2019** has held that mere failure of the parties to register the agreement under TNRRRLT act is not a ground for refusing to entertain the petition filed by the landlord or tenant. The relevant observation of the learned Judge is as follows:

"14. In that view of the matter, I am of the considered opinion that, the reasons cited by the Registrar of Small Causes Court, which is impugned herein, for returning the papers by not entertaining the application (RLTOP), is unsustainable and therefore, this Court feels that, a suitable direction can be given to the Rent Court/Small



Causes Court. Registry to number the RLTOP, if it is otherwise in order."

4. The learned Rent Court Judge, while returning the petition, relied on the decision of this Court in **CRP (NPD) No.3056 of 2021** dated 04.02.2022, wherein the learned Single Judge of this Court dealt with six instances as pointed out by him.

5. The relevant portion of observation of this Court narrating six instances dealt with by it is as follows:

23. From the instances that had arisen in these six revisions, the different types of cases that may arise before the Rent Court can be broadly classified as follows:

i. Written tenancy created prior to and expired prior to the commencement of the Act (Tenant holding over under an oral tenancy);

ii. Oral tenancies created prior to the New Act and no written agreement into;

iii. Written tenancies created prior to the New Act and the period expired after the commencement of the Act;

iv. Written tenancies created after the commencement of the New Act and had presently expired (either registered or unregistered)



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v. Oral tenancies created after the New Act.

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6. In the present case, the tenancy agreement was entered on 30.01.2019 and the same is still in operation as the tenancy period is for five years. Therefore, none of the contingency dealt within the said decision will apply to the case on hand. Therefore, the said decision may not be applicable to the present case on hand.

7. In view of the above, the impugned order passed by the learned Rent Court is set aside and the Rent Court is directed to number the petition filed by the petitioner and dispose the same in accordance with law. However, it is made clear whether petitioner can maintain for repossession without registered agreement as required under TNRRRLT Act has to be considered at the time of final disposal of the case.

20.09.2022

Index : Yes/No

Speaking Order : Yes /No

Sma



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Note : Registry is directed to return the original RLTOP petition filed by the Revision Petitioner to the learned Counsel for the petitioner.

S.SOUNTHAR,J.

Sma

To:

learned X Judge Small Causes, Rent Court, Chennai

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